



The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 832, CUTTACK, TUESDAY, APRIL 25, 2017/ BAISAKHA 5, 1939

REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 25th April, 2017

S.R.O. No.186/2017— The following draft of certain rules, which the State Government proposes to make in exercise of the powers conferred by sub-section (1) of Section 109 of the Right to Fair Compensation and Transparency in Land acquisition , Rehabilitation and Resettlement Act, 2013 (30 of 2013) is hereby published, as required under section 112 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules shall be taken into consideration after expiry of a period of thirty days from the date of publication of this notification in the *Odisha Gazette*.

2. Any objection or suggestion which may be received from any person with respect to the said draft rules within the period so specified shall be considered by the State Government.

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1. Short title and commencement.— (1) These rules may be called the Odisha Land Acquisition, Rehabilitation and Resettlement Authority Rules, 2017.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(30 of 2013);

(b) “Government” means the Government of Odisha;

(c) “Presiding Officer” means Presiding Officer of the Authority.

(2) All other words and expressions, used and not defined in these rules but defined in the Act, shall have the meaning, respectively, assigned to them in the Act.

3. Establishment of the Land Acquisition, Rehabilitation and Resettlement Authority—

The Government shall establish, by notification in the *Odisha Gazette*, at least one Authority to be known as “The Land Acquisition, Rehabilitation and Resettlement Authority” (hereinafter referred to as the “Authority”) for each Revenue Division for speedy disposal of disputes relating to Land Acquisition, Compensation, Rehabilitation and Resettlement.

4. Salary, allowances, other terms and conditions of Presiding Officers.— The salary, allowances and other terms and conditions of service of Presiding Officer shall be as follows, namely:—

- (a) In case of a District Judge, the Service Rules as applicable to such rank and status in the Odisha District Judge Cadre shall be made applicable.
- (b) In case of a retired District Judge, the total emoluments and allowances last drawn at the time of retirement minus gross pension shall be payable as consolidated pay which shall also include other benefits accrued to such officer under the relevant rules .
- (c) There shall not be any entitlement to pension for service rendered as the Presiding Officer.
- (d) In case of a qualified legal practitioner, the salary, allowances and other conditions of service shall be such as may be determined by the Government ,from time to time.

5. Appointment of the Staff of the Authority.— (1) Government shall appoint an officer as Registrar of the Authority from the officers of the Odisha Administrative Service, Group – A (Junior Branch) cadre having at least five years of experience in that cadre.

(2) The pay, allowances and other terms and conditions of the Registrar, shall be regulated by the service rules as applicable to the Government Servants of the same rank and status in the Odisha Administrative Service , Group – A (Junior Branch) Cadre.

(3) Besides the Registrar, the Authority may have the following other employees, namely:—

- (a) One Head Clerk or Senior Clerk,

- (b) Two Junior Clerks,
- (c) One Stenographer,
- (d) Four Group – D employees,

who shall be on deployment basis by the Revenue Divisional Commissioner from among the staff in position in different offices coming under the jurisdiction of the concerned Revenue Divisional Commissioner.

(4) The salary, allowances and conditions of service of the staff mentioned in sub-rule (3) shall be as per the service rules applicable to the Government Servants of the same rank and status.

(5) Government may create additional posts for the Authority as and when felt necessary.

6. Presiding Officer shall be the Head of the Authority— (1) The Presiding Officer shall be the Head of the Authority.

(2) The Registrar shall be responsible for the proper administration of the affairs of the Authority and its day- to- day management and shall exercise and discharge such other powers and perform such other duties as may be assigned by the Presiding Officer.

7. Leave Sanctioning Authority—(1) Provisions of Leave Rules of the Government shall be applicable to the Authority.

(2) The Government shall have the power to sanction leave of the Presiding Officers of the Authority set up under their respective Revenue Divisions.

(3) The Presiding Officer shall have power to sanction leave of the Registrar and other employees of the Authority.

8. Working Days and Office Hours.— (1) The working days and the office hours of the Authority shall be the same as that of the working days and the office hours of the Government.

9. Procedure for investigation of allegation of misbehavior and incapacity.— (1) If a written complaint alleging any definite charges of misbehavior or incapacity to perform the functions of the office in respect of Presiding Officer is received by the Government, it shall make a preliminary scrutiny of such complaint.

(2) If the State Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any imputation of misbehavior or incapacity of Presiding Officer, it shall make a reference to the Chief Justice of the High Court of Orissa, requesting him to appoint a Judge of the High Court to conduct the inquiry.

(3) The Chief Justice of High Court of Orissa shall, by order, appoint a Judge of the High Court to conduct the inquiry and the State Government shall forward the copy of :—

- (i) the Articles of charges against the Presiding Officer concerned and the statement of imputation,
- (ii) the statement of witnesses, if any, and
- (iii) material documents relevant to the inquiry.

(4) The Judge so appointed shall conduct the inquiry in accordance with the procedure and shall complete the inquiry within such time, as specified in the order issued by the Chief Justice of the High Court of Orissa.

(5) The Judge shall be guided by the principles of natural justice and shall have power to fix the places and times of his inquiry.

(6) After the conclusion of the investigation, the Judge shall submit his report to the Chief Justice of High Court of Orissa, stating therein his findings and the reasons thereof on each of the articles of charges separately and the Chief Justice of High Court of Orissa shall forward it to the State Government along with his recommendation(s).

(7) On receiving the report of investigation, the Government shall take appropriate decision, according to sub-section (2) of Section 58 of the Act.

10. Interpretation.—If any question arises relating to the interpretation of these rules , the same shall be referred to the Government for its decision.

[No. 13443–R&REH-11/2017/R&DM.]

By Order of the Governor

Dr. MONA SHARMA
Principal Secretary to Government